

BEFORE THE
STATE BOARD OF MEDIATION
STATE OF MISSOURI

MISCELLANEOUS DRIVERS, HELPERS, AND)	
PUBLIC EMPLOYEES, LOCAL NO. 610,)	
)	
Petitioner,)	
)	
vs.)	
)	
THE CONGRESS OF INDEPENDENT UNIONS,)	Public Case No. 82-003
)	
Intervenor,)	
)	
vs.)	
)	
CITY OF ARNOLD,)	
)	
Respondent.)	

JURISDICTIONAL STATEMENT

This case appears before the State Board of Mediation upon the Miscellaneous Drivers, Helpers and Public Employees Local No. 610, filing a petition for certification as public employees representative of Arnold. On July 14, 1982, a hearing was held in Clayton, Missouri, at which representatives of the Petitioner, Respondent, and Intervenor were present. The case was heard by State Board of Mediation Chairman, Mary Gant, Employer Member William Hunker, and Employee Member Joseph Cointin. The State Board of Mediation is authorized to hear and decide issues concerning appropriate bargaining unit determinations by Section 105.525 RSMo. 1978.

FINDINGS OF FACT

In September, 1979, the Board certified the Industrial & Miscellaneous Workers, Local 30, affiliated with the Congress of Independent Unions as the exclusive bargaining representative for a unit defined as "all employees of the City of Arnold, excluding the

Mayor's secretary, the City Administrator's secretary, the street crew foreman, all manpower employees, and all department heads.

Petitioner, Respondent, and Intervenor have stipulated that the appropriate bargaining unit in this case consists of "all employees of the City of Arnold; excluding the Mayor and City Administrator's secretaries, street crew foreman, all clerical employees and all department heads."

CONCLUSIONS OF LAW

We granted the Congress of Independent Unions to intervene in these proceedings by reason of our previous certification in Public Case No. 79-038. In that case we certified the CIU as an affiliated international to Local 30. Where there is a combination decertification-certification petition, as in the case before us now, the currently certified union meets the "legitimate interest" test.

The parties have stipulated to the proposed unit and as that unit is in essence unchanged from our certified unit in Public Case 79-038 we find it to be an appropriate bargaining unit.

DECISION

It is the decision of the State Board of Mediation that an appropriate unit of employees is as follows:

"all employees of the City of Arnold, excluding supervisors, the Mayor's and City Administrator's secretaries, street crew foreman, all clerical employees and all department heads."

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the Chairman of the State Board of Mediation, or a designated agent thereof, among the employees in the unit found appropriate, as early as possible, but no later than sixty (60) days from the date below. The exact time and place will be set forth in the Notice of Election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in

the unit who were employed during the payroll period immediately proceeding the date below, including employees who did not work during that period because of vacation or illness. Ineligible to vote are those employees who resigned or were discharged for cause since the designated payroll period and who have not been rehired or reinstated before the election date. Those eligible to vote shall vote whether or not they desire to be represented by: Petitioner, Miscellaneous Drivers, Helpers and Public Employees Local 610, or Intervenor, Industrial and Miscellaneous Workers Local 30, affiliated with the Congress of Independent Unions, or no representation for the purpose of exclusive representation.

It is hereby ordered that the Respondent shall submit to the Chairman of the State Board of Mediation, as well as to the Petitioner, and Intervenor, within fourteen (14) days from the date of receipt of this decision, an alphabetical list of the names and addresses of the employees in the unit determined to be appropriate who were employed during the designated payroll period.

Signed this 18th day of October, 1982.

STATE BOARD OF MEDIATION

/s/ Mary L. Gant

Mary L. Gant, Chairman

(SEAL)

/s/ William Hunker

William Hunker, Employer Member

/s/ Joseph Cointin

Joseph Cointin, Employee Member